



General Assembly

***Amendment***

***February Session, 2004***

**LCO No. 5109**

**\*SB0039105109SR0\***

Offered by:  
SEN. COOK, 18<sup>th</sup> Dist.

To: Subst. Senate Bill No. **391**

File No. 317

Cal. No. 249

(As Amended by Senate Amendment Schedule "A")

***"AN ACT CONCERNING THE RETENTION OF SERVICE  
CONTRACT WORKERS."***

1 Strike subsection (b) of section 1 and insert the following in lieu  
2 thereof:

3 "(b) Each awarding authority that enters into a service contract to be  
4 performed within this state shall be subject to the following  
5 obligations:

6 (1) The awarding authority shall give advance notice to a contractor  
7 and the exclusive bargaining representative of any of the contractor's  
8 employees, of the termination of such service contract and shall  
9 provide the contractor and the exclusive bargaining representative  
10 with the name, telephone number and address of the successor  
11 contractor or contractors, if known. The terminated contractor shall,  
12 not later than three days after receipt of such notice, provide the  
13 successor contractor with the name, date of hire and employment

14 occupation classification of each person employed by the terminated  
15 contractor at the site or sites covered by the service contract as of the  
16 date the terminated contractor receives the notice of termination.

17 (2) On the date the service contract terminates, the terminated  
18 contractor shall provide the successor contractor with updated  
19 information concerning the name, date of hire and employment  
20 occupation classification of each person employed by the terminated  
21 contractor at the site or sites covered by the service contract, to ensure  
22 that such information is current up to the actual date of service  
23 contract termination.

24 (3) If the awarding authority fails to notify the terminated contractor  
25 of the identity of the successor contractor, as required by subdivision  
26 (1) of this subsection, the terminated contractor shall provide the  
27 information described in subdivision (2) of this subsection to the  
28 awarding authority not later than three days after receiving notice that  
29 the service contract will be terminated. The awarding authority shall  
30 be responsible for providing such information to the successor  
31 contractor as soon as the successor contractor has been selected.

32 (4) (A) A successor contractor shall retain, for at least sixty days  
33 from the date of first performance of services under the successor  
34 service contract, all of the employees who were employed by the  
35 terminated contractor at the site or sites covered by the service  
36 contract.

37 (B) The provisions of this section shall not apply: (i) If the  
38 Commissioner of Administrative Services or any awarding authority  
39 has made a finding that the current contractor has been grossly  
40 negligent in performing any duty under such contract, or (ii) to any  
41 portion of a set-aside contract under the provisions of title 4a, 10, 17b  
42 or 18 of the general statutes.

43 (C) In the event the successor service contract is terminated prior to  
44 the expiration of such sixty-day period, then any contractor awarded a  
45 subsequent successor service contract shall be bound by the

46 requirements set forth in this subsection to retain, for a new sixty-day  
47 period commencing with the onset of the subsequent successor service  
48 contract, all of the employees who were previously employed by any  
49 one or more of the terminated contractors at the site or sites covered by  
50 the service contract.

51 (D) At least five days prior to the termination of a service contract,  
52 or at least fifteen days prior to the commencement of the first  
53 performance of service under a successor service contract, whichever is  
54 later, the successor contractor shall hand deliver a written offer of  
55 employment to each such employee in such employee's native  
56 language or any other language in which such employee is fluent and  
57 information concerning such employee's rights under the provisions of  
58 this section. Each offer of employment shall state the time within  
59 which such employee must accept such offer but in no case shall that  
60 time be less than ten days from the date of the offer of employment.

61 (5) If at any time a successor contractor determines that fewer  
62 employees are required to perform the successor service contract than  
63 were required by the terminated contractor, the successor contractor  
64 shall be required to retain such employees by seniority within each job  
65 classification, based upon the employees' total length of service at the  
66 affected site or sites.

67 (6) During such sixty-day period, the successor contractor shall  
68 maintain a preferential hiring list of employees eligible for retention  
69 pursuant to subdivision (4) of this subsection, who were not initially  
70 retained by the successor contractor, from which the successor  
71 contractor shall hire additional employees, if necessary.

72 (7) Except as provided under subdivision (6) of this subsection,  
73 during such sixty-day period, the successor contractor shall not  
74 discharge without just cause an employee retained pursuant to this  
75 section. For purposes of this subdivision, "just cause" shall be  
76 determined solely by the performance or conduct of the particular  
77 employee. At the end of such sixty-day period, the successor

78 contractor shall prepare a written performance evaluation for each  
79 employee retained pursuant to this section, and, if such employee's  
80 performance is satisfactory, offer such employee continued  
81 employment as may be consistent with titles 10 and 17b of the general  
82 statutes."